

3104 Reason D. Evernager  
15.5.51 E. Evans Creek Rd  
Rogue River 97537

3104

# STATUS OF APPLICATION

Change in point of diversion + partial place of use  
Date filed 7-29-74  
Date of hearing 12-17-75  
Place of hearing Medford, Or  
Date of order 2-4-76 Vol. 26, page 358  
Date for application of water 10-1-76  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued APR 30 1979 Vol. 41, page 47903

Survey 8/76

# DESCRIPTION OF WATER RIGHT

Name of stream Evans Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 4<sup>0</sup>  
Name of ditch Carter Ditch  
Date of priority 1893  
In name of R. Carter  
Rogue River Adjudication, Vol. 4, page 16  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 16112  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

# FEES PAID

Date	Amount	Receipt No.
7-29-74	40.00	42239
7-29-74	45.00 P.D. U.	42240
TOTAL . . .		
1-16-76	\$2 <sup>00</sup> Cert. Fee	42240

# FEES REFUNDED

Date	Amount	Check No.
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# REMARKS

See 7635

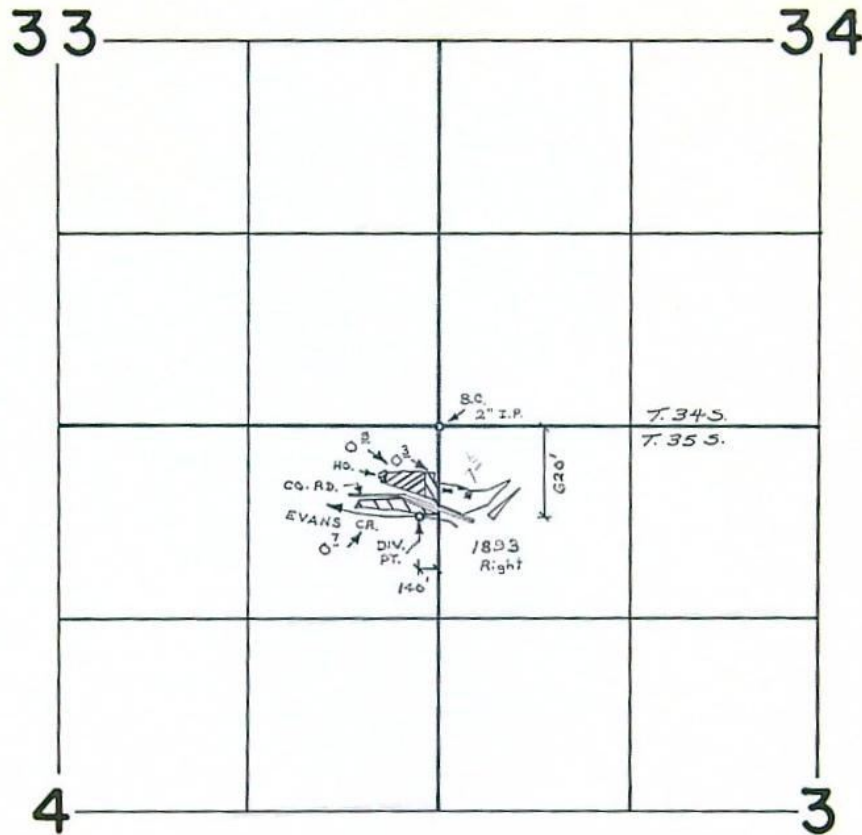
Appt 50351

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>rd</u>	_____
<input checked="" type="checkbox"/> Stream	<u>rd</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>WH</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>rd</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>rd</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>rd</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>rd</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input type="checkbox"/> Abstracts	_____	_____

686



T. 35 S., R. 3 W., W.M.



**FINAL PROOF SURVEY**

UNDER



Application No. TR. 3104 Permit No. ....  
IN NAME OF

REASON D. EVENSIZER

Surveyed DEC. 20 1977, by B. SUND

OK  
LMT

# STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~2. State~~ REASON D. EVENSIZER  
15551 E. EVANS CREEK ROAD  
of Rogue River, State of Oregon 97637, has a right to the use of  
the waters of Evans Creek, a tributary of Rogue River  
for the purpose of irrigation of 4<sup>0</sup> acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 1, at page 1; that the priority of the right thereby  
confirmed dates from 1893;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 0.10 cubic foot per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

4 acres in NW 1/4 NW 1/4  
Section 3,  
T. 35 S., R. 3 E., W. 1 N.

3.0 acres NW 1/4 NW 1/4  
SECTION 3

1.0 acres NE 1/4 NE 1/4  
SECTION 4

T. 35 S., R. 3 W., W. 1 N.

This certificate is issued to confirm a change in place of use and point  
of diversion approved by an order of the WRD entered FEB. 4 1976 and supersedes  
certificate of water right recorded on page 16112, Volume 13, SRWRC.

THE ISSUANCE . . . . . ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed  
this 30 day of September, 19 49.

CHAS. E. BOWEN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16, 112

P.O.D.: NE 1/4 NE 1/4 Sec 4 T. 35 S. R. 3 W. W. 1 N.  
by 620 ft S and NW 1/4 W from NE Sec 4



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION }  
OF REASON D. EVENSIZER FOR THE }  
APPROVAL OF A CHANGE IN POINT OF }  
DIVERSION AND PLACE OF USE OF }  
WATER FROM EVANS CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3104

On July 29, 1974, Reason D. Evensizer filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Evans Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of R. Carter for the use of the waters of Evans Creek for the irrigation of 4.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, as evidenced by certificate of water right recorded at Page 16112, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Carter ditch from a point of diversion located 1200 feet North and 1450 feet East from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 34 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right, without loss of priority, from 1.0 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, to 1.0 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 3 West, and to irrigate this 1.0 acre, together with the remaining 3.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, from a point of diversion to be located 640 feet South and 225 feet West from the Northeast corner of Section 4, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 4, Township 35 South, Range 3 West, W.M.



Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Medford, Oregon, on December 17, 1975, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 22, 29 and November 5, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.0 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 3 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Evans Creek, to wit:

From a point located 1200 feet North and 1450 feet East from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, Township 34 South, Range 3 West, W.M.

To a point to be located 640 feet South and 225 feet West from the Northeast corner of Section 4, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 4, Township 35 South, Range 3 West, W.M.



for the irrigation of 3.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3, and 1.0 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 35 South, Range 3 West, W.M., with a date of priority of 1893, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.10 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to R. Carter and recorded at Page 16112, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Reason D. Evensizer confirming the extent to which water has been applied beneficially from the point of diversion authorized herein.

/s/ JAMES E. SEXSON  
Director



NOTICE OF FILING APPLICATION  
FOR A CHANGE  
IN POINT OF DIVERSION  
AND PLACE OF USE OF WATER

Notice is given hereby that Reason D. Evensizer has filed an application for the approval of a change in point of diversion and place of use of water from Evans Creek.

In the Rogue River Adjudication proceedings a water right was established in the name of R. Carter for the use of the waters of Evans Creek for the irrigation of 4.0 acres in the NW 1/4 NW 1/4, Sec. 3, T. 35 S., R. 3 W., W.M., with a date of priority of 1893.

These lands are irrigated from a point of diversion located 1200 ft. N. and 1450 ft. E. from the SW corner of Sec. 34, being within the SE 1/4 SW 1/4, Sec. 34, T. 34 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of the water right appurtenant to 1.0 acre to 1.0 acre in the NE 1/4 NE 1/4, Sec. 4, T. 35 S., R. 3 W., W.M., and to irrigate this land, together with the balance of the lands, from a point of diversion to be located 640 ft. S. and 225 ft. W. from the NE corner of Sec. 4, being within the NE 1/4 NE 1/4, Sec. 4, T. 35 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Or., on Dec. 17, 1975 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Reason D. Evensizer, 15551 E. Evans Creek Rd., Rogue River, Or., 97537, and one copy filed with the Water Resources Director, Salem, Or., together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Director upon request.

Dated at Salem, Oregon, this 17th day of October, 1975.

James E. Sexson  
Water Resources Director

# Affidavit of Publication

State of Oregon, }  
County of Jackson } ss.

1. Evalynne D. Smith, being first duly

sworn, depose and say that I am the.....  
(OWNER, EDITOR, PUBLISHER, MANAGER.)

## Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Filling - Evansizer

copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues Oct. 22, 29, Nov. 5, 1975

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Evalynne D. Smith

Subscribed and sworn to before me this 5th day of Nov., 1975

James J. Osborn  
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1977